

REMARKS

Claims 1 to 41 are pending in this application and subject to an election requirement. Applicant is amending claims 6 and 39. Applicant requests reconsideration of the election requirement.

Claim Amendments

Applicant is herein amending claims 6 and 39 to correct obvious typographical errors (add semi-colon and delete second “means”). Applicant respectfully submits that the amendments to the claims are ministerial in nature; do not introduce new matter; and are fully supported by the specification, as originally filed.

Election Requirement

Claims 1 to 41 are pending in this application and are subject to an election requirement under 35 U.S.C. § 121 to a single disclosed species from:

- I. Species of the embodiment disclosed in Figure 2
- II. Species of the embodiment disclosed in Figure 3
- III. Species of the embodiment disclosed in Figure 5
- IV. Species of the embodiment disclosed in Figure 6

for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant elects *with traverse* the following species:

Species	Claims readable on
II: Species of the embodiment disclosed in Figure 3	1 to 10, 29 to 31, 36, and 37

According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05-§ 806.05(i)); and
- (B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02).

For purposes of the initial requirement, a serious burden may be *prima facie* shown if the examiner shows separate classification, separate status in the art, or a different field of search as defined in MPEP § 808.02.

In the subject application, the claims have been restricted into four different groups identified as Figures 2, 3, 5, and 6, however, ***no classification information has been provided***. Thus, applicant respectfully submits that a *prima facie* case of serious burden has not been established at least with respect to the total number of different groups.

The claimed invention is directed to methods and systems of decreasing the time required for a photo-printing device (such as a commercial photoprinting kiosk) to print a plurality of digital images. While certain embodiments of the invention may be distinct from each other, they are covered by same claim and these claims should be examined together for efficiency. Furthermore, applicant submits that a search of certain embodiments, such as Figure 3, should reveal all of the relevant art with respect to Figure 2, because it is a single iteration of Figure 3.

Accordingly, applicant requests reconsideration of the election requirement. However, even if the restriction/election requirement is maintained, it is applicant's understanding that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

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PATENT

If the Examiner wishes to further discuss the merits of the application, the Examiner is requested to contact the undersigned attorney at (404) 459-5642.

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